

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

ROBERT E WILLIAMS
Claimant

APPEAL NO. 07A-UI-10758-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

RIVERSIDE STAFFING SERVICES INC
Employer

**OC: 10/14/07 R: 04
Claimant: Appellant (2)**

Section 96.5-2-a – Discharge
Section 96.5-1-j – Separation from Temporary Employment

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated November 16, 2007, reference 01, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on December 5, 2007. The parties were properly notified about the hearing. The claimant participated in the hearing. Karrie Minch participated in the hearing on behalf of the employer.

ISSUES:

Was the claimant discharged for work-connected misconduct?
Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The employer is a staffing service that provides workers to client businesses on a temporary or indefinite basis. The claimant worked for the employer on an assignment at R & O Specialties from June 5, 2007, to October 11, 2007.

When the claimant was hired, he signed a statement that he was required to contact the employer as soon as a job assignment had ended and request a new assignment.

On October 12, 2007, R & O Specialties asked the employer to remove the claimant from the assignment due to excessive absenteeism. He had never been disciplined about his attendance. His absences were due to legitimate medical reasons. Although R & O Specialties reported the claimant was constantly late and left work early, this information is inaccurate.

On October 12, 2007, the office manager called the claimant and told him he was being removed from the job assignment. The claimant reported to the office the same day to pick up his paycheck. He asked the receptionist whether there was any work available and was told there was nothing for him at that time. He was informed that he would be called about available work. The employer called the claimant in early November 2007 about some positions, but the claimant was not aware of the calls.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law provides for a disqualification for claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code sections 96.5-1 and 96.5-2-a.

Although the employer did not consider the claimant to have been discharged from employment when he was removed from the assignment at R & O Specialties, for the purposes of being thorough, I will evaluate this separation. The evidence fails to establish excessive unexcused absenteeism under 871 IAC 24.32(7).

Iowa Code section 96.5-1-j provides that individuals employed by a temporary agency must contact their employer within three working days after the completion of a work assignment and seek a new assignment or they will be considered to have voluntarily quit employment without good cause attributable to the employer, provided that the employer has given them a statement to read and sign that advises them of these requirements.

The claimant is not disqualified under Iowa Code section 96.5-1-j because he contacted the employer immediately after his job assignment ended on October 12, 2007, and asked for additional work. Additionally, the employer's policy is not in compliance with Iowa Code section 96.5-1-j since it does not notify claimants of the requirement of contacting the employer within three working days after the completion of a job assignment.

DECISION:

The unemployment insurance decision dated November 16, 2007, reference 01, is reversed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs